

App. No. 10/808,987  
Amendment Dated: May 30, 2007  
Reply to final Office Action of March 30, 2007

### REMARKS/ARGUMENTS

The claims have been amended as set forth above. No new matter has been added. Applicants believe that the claims are in condition for allowance.

#### **I. Examiner Interview Dated May 3, 2007**

An interview was held on May 3, 2007. During the interview, the features of the claims were discussed. An agreement as to allowability was not reached. Applicants, however, have amended the claims in light of the interview to include features that were discussed as pushing prosecution forward.

#### **II. Notice of Allowable Subject Matter**

The Office Action states that "although no rejections in view of the prior art are made regarding claims 21, 24, 26, and 28-29, no claims in this application will be indicated as allowable until after a response to this action has been reviewed, as to the fact that certain changes may not produce allowable claims." As more fully set forth below, applicants believe that the independent claims include features that are not taught by the cited reference.

#### **III. Rejection under 35 U.S.C. 112, Second Paragraph**

Claims 1 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 18 have been amended as set forth above to overcome the rejection.

#### **IV. Rejection Under 35 U.S.C. 102(e)**

Claims 1-6, 18-20, 22-23, 25, 27, and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,381,742 issued to Forbes et al. (hereinafter "Forbes"). Applicants respectfully disagree with the rejection. Independent claims 1 and 18 have been amended to include features indicated by the Notice of Allowable Subject Matter section of the Office Action. With regard to independent claim 25, independent claim 25 recites that the

App. No. 10/808,987  
Amendment Dated: May 30, 2007  
Reply to final Office Action of March 30, 2007

second replication partner is configured to "lock access to resources of the second replication partner when the resources of the second replication partner do not include each resource of the resource group." Column 9 of Forbes pertains to determining software components to *install*. Accordingly, applicants assert that independent claim 25 is in condition for allowance. With regard to the dependent claims, the dependent claims include features not taught or suggested by Forbes. Furthermore, those claims depend from independent claims 1, 18 and 25. As such, they should be found allowable for at least those same reasons.

**V. Request for Reconsideration**

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

Ryan T. Grace  
Registration No. 52,956  
Direct Dial: 206.342.6258

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
206.342.6200

